

DPH Issues Order Formalizing Second Dose Requirements; Creates Process to Report Vaccination Violations

DOVER (Feb. 25, 2021) – The Delaware Division of Public Health (DPH) has issued a new order related to requirements around second dose administration by providers. The order, signed by DPH on Feb. 23, requires health care/vaccination providers to administer the second dose of a two-dose series to persons who received a first dose from them, if requested. It further indicates that administration of the second dose shall be a higher priority than administration of a first dose to an unvaccinated person if vaccine supply is not sufficient to accomplish both.

Health care/vaccination providers shall also be required to administer a second dose to patients of record who have been administered the first dose by a different provider. A second order, signed Feb. 25, requires vaccination providers to report inventory daily to Vaccine Finder, a national web-based system that allows providers to report levels of supply.

Failure to comply with these orders may result in a fine between \$100 and \$1,000 per day. Repeated failure to comply may result in cessation of vaccine distribution to the non-compliant provider. The second-dose order can be found at <https://coronavirus.delaware.gov/wp-content/uploads/sites/177/2021/02/Vaccine-Order-02-23-21.pdf>. If vaccine supply is insufficient, no provider shall be penalized for failure to follow the requirements. The order to report vaccine inventory can be found at <https://coronavirus.delaware.gov/wp-content/uploads/sites/177/2021/02/VaccineFinder-Order-02.25.21.pdf>.

In addition to the order, DPH has summarized existing provider vaccination requirements. The requirements and specific penalties for non-compliance can be found at:

https://coronavirus.delaware.gov/wp-content/uploads/sites/177/2021/02/Vaccination-Requirements_2.25.21.pdf

- Reporting Vaccination Administrations – Health care providers or other vaccinating providers who administer immunizations shall report information about the immunization and the person to whom it was given, to DelVAX within 24 hours of administering the dose. The Division of Public Health emphasizes the importance of recording race and ethnicity in order to evaluate efforts to vaccinate underserved populations. Race and ethnicity need to be complete and accurate. Continued provision of additional vaccine will be contingent upon compliance with data reporting requirements.
- Reporting Unused Vaccine – The health care/vaccination provider must report the number of doses of COVID-19 vaccine and adjuvants that were unused, spoiled, expired, or wasted.
- Requirements for Reporting Adverse Events – Health care/vaccination providers must report any adverse events following vaccination to the Vaccine Adverse Event Reporting System (VAERS) (1-800-822-7967 or <http://vaers.hhs.gov/contact.html>).
- Administering Vaccine to Priority Populations – Vaccinations shall be made available only to persons who meet current criteria for administration per Delaware's vaccine allocation timeline (<https://coronavirus.delaware.gov/vaccine/>). Exceptions are authorized for the purpose of preventing waste or spoilage of vaccine only if vaccine has already been constituted for injection and the vaccinator is unable to locate any person who meets the current criteria and is willing to receive vaccination.
- Equitable Access and Ability to Pay – Health

care/vaccination providers are prohibited from denying administration of a COVID-19 vaccination for reasons of race, color, gender, ethnicity, disability, national origin, or any other protected status. Further, health care/vaccination providers must make vaccinations available regardless of a person's ability to pay, type of health insurance, administration fees, or participation in a particular provider or network. While providers may seek reimbursement from a health insurance plan, they may not seek any out-of-pocket costs from the vaccine recipient.

DPH has created a pathway for the public to submit complaints if they believe a vaccination provider is violating any of the requirements mentioned. They can email complaints to hspcontact@delaware.gov. Additionally, any health care provider who intentionally or willfully provides or distributes, or who supervises someone who intentionally or willfully provides or distributes the COVID-19 vaccine to any individual who is not authorized to receive such vaccine pursuant to the Vaccination Guidance is guilty of unprofessional conduct as that term is defined in Title 24 and may be subject to licensure discipline. Complaints regarding such conduct should be made to the Division of Professional Regulation at https://delpros.delaware.gov/OH_FileComplaint.

Additional information about COVID-19 vaccine rollout is available at de.gov/covidvaccine. Questions can be directed to the Vaccine Call Center at 1-833-643-1715. People who are deaf or hard of hearing should call 2-1-1 or text their ZIP code to 898-211. Individuals can email their questions concerning the vaccine to Vaccine@Delaware.gov.